ESTTA Tracking number:

ESTTA121609 01/25/2007

Filing date:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92045912		
Party	Plaintiff Dell Inc.Dell Inc. Dell Inc. One Dell Way Round Rock, TX 78682 UNITED STATES		
Correspondence Address	Doreen L. Costa Baker Botts L.L.P. 30 Rockefeller Plaza44th Floor New York, NY 10112-4498 UNITED STATES paul.reilly@bakerbotts.com, nytmdpt@bakerbotts.com, dan_noonan@dell.com		
Submission	Motion to Extend		
Filer's Name	Paul J. Reilly, Attorney for Petitioner		
Filer's e-mail	pau.reilly@bakerbotts.com, nytmdpt@bakerbotts.com, madalyn.basora@bakerbotts.com		
Signature	/Paul J. Reilly/		
Date	01/25/2007		
Attachments	DELLvXEROXmotiontoextend.pdf (3 pages)(94571 bytes)		

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Trader Trademark: XPS Registered on January		1,688	
DELL INC.		:	
Į	Petitioner,	:	
remoner,		· :	Cancellation No. 94045912
VS.		:	
XEROX CORPORATION,		:	
F	Respondent.	: :	
		X	

MOTION TO EXTEND TERMS FOR DISCOVERY AND TESTIMONY

Petitioner, Dell Inc. in the above-captioned cancellation proceeding respectfully moves the Trademark Trial and Appeal Board ("Board"), to extend the discovery, testimony and trial dates for a period of ninety (90) days in accordance with the following schedule:

The period for discovery to close : April 25, 2007

Testimony Period for the Party in Position of Plaintiff to Close

(Opening thirty days prior thereto) : July 24, 2007

Testimony Period for the Party in Position of Defendant to Close

(Opening thirty days prior thereto) : September 22, 2007

Rebuttal Testimony Period to Close

(Opening fifteen days prior thereto): November 6, 2007

This extension is requested because the parties are engaged in settlement discussions.

Petitioner has forwarded a revised draft settlement agreement to Respondent, Xerox Corporation for review and comment, and is awaiting in put from Respondent. In the event that settlement is

not achieved, the parties will require additional time to pursue and complete discovery and prepare for trial in the above captioned matter. This motion is made in good faith and without any intention of causing a delay in this proceeding.

WHEREFORE, for the reasons stated and the good cause shown herein, Petitioner, by its counsel, respectfully requests that the discovery, testimony and trial dates be extended in accordance with the above schedule.

Respectfully submitted,

BAKER BOTTS, L.L.P.

Date: January 25, 2007

By:

Doreen L. Costa

Paul J. Reilly

30 Rockefeller Plaza, 44th Fl. New York, NY 10112-0228

Tel: (212) 408-2500 Fax: (212) 408-2501

Attorneys for Petitioner, Dell Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below a true and correct copy of the aforementioned document, "MOTION TO EXTEND TERMS FOR DISCOVERY AND TESTIMONY," was served by First Class Mail, in an envelope with sufficient postage, upon the following counsel of record for the Applicant:

Seana Watts, Esq. XEROX CORPORATION Office of General Counsel 800 Long Ridge Road Stamford, CT 06904

Attorneys for Registrant XEROX CORPORATION

Date: January 25, 2007